



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane • PO Box 47775 • Olympia, Washington 98504-7775 • (206) 753-2353

May 9, 1994

John and Karla Kelley
1989 Cranberry Creek Road
Grayland, Washington 98547-9606

Dear Mr. and Mrs. Kelley:

Re: Surface Water Right Application No. S 2-28902

For your information, Paul Kangas of 1999 Cranberry Road Grayland, Washington has submitted a written protest against the above-numbered application for a water right.

The protestant claims the following:

That the project would not be in the best public interest.

This objection will be fully considered prior to issuance of a formal decision on this application request. If you have any questions, please call me in Olympia at (206) 407-0278, or write to the above address.

Sincerely,

Vicki Windust

Vicki Windust
Water Resources

VW:th

S



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 9, 1994

Paul and Bertha Kangas
1999 Cranberry Road
Grayland, Washington 98547

Dear Mr. and Mrs. Kangas:

Re: Surface Water Right Application No. S 2-28902

Your protest against the granting of a water right to John and Karla Kelley is acknowledged and made a matter of record.

Your objection will be fully considered prior to issuing a formal decision on the above application request. If you have any questions, please call me in Olympia at (206) 407-0278, or write to the above address.

Sincerely,

Vicki Windust
Water Resources

VW:th



TO: DEPARTMENT OF ECOLOGY
WATER RESOURCES
P.O. BOX 47775
OLYMPIA, WA. 98504-7775
FROM: PAUL KANGAS
1999 CRANBERRY ROAD
GRAYLAND, WA. 98547
DATE: 10/18/93
RE: PROTEST --- APPLICATION TO APPROPRIATE WATER
JOHN AND KARLA KELLEY OF GRAYLAND, WA. 98547
APPLICATION #S2-28902
FILED - 8/16/93
PUBLISHED - 9/25/93 AND 10/2/93 IN ABERDEEN WORLD
SOURCE OF WATER - GRAYLAND DRAINAGE DITCH #1

RECEIVED

'93 OCT 22 A10:28

DEPARTMENT OF ECOLOGY
S W REGIONAL OFFICE

TO WHOM IT MAY CONCERN:

THE DEVELOPERS OF THE GRAYLAND AREA PETITIONED THE GRAYS HARBOR COUNTY SUPERIOR COURT TO FORM A DRAINAGE DISTRICT IN 1916. IN A VERDICT ENTERED BY THE JURY DATED 4/3/1916 THE DRAINAGE DISTRICT WAS FORMED. LOCAL OWNERS OF PROPERTY PAY A DRAINAGE DISTRICT TAX TO SUPPORT THE SYSTEM. THE PETITION TO THE COURT, SECTION VIII, p.5 READS AS FOLLOWS:

"THAT SAID PROPOSED SYSTEM OF DRAINAGE IS NECESSARY, AND THAT IT IS NECESSARY TO CONSTRUCT SAID DRAINAGE SYSTEM IN THE MANNER SHOWN ON THE PLATS, PLANS AND SPECIFICATIONS HERETO ATTACHED, TO DRAIN ALL OF THE LANDS IN SAID DRAINAGE DISTRICT NO. 1 AND DESCRIBED IN THIS PETITION, AND THE SAME WILL BE CONDUCTIVE TO PUBLIC HEALTH, CONVENIENCE AND WELFARE, AND WILL INCREASE THE VALUE OF ALL SAID PROPERTY FOR THE PURPOSES OF PUBLIC REVENUE."

ADDITIONALLY, A RIGHT OF WAY WAS ESTABLISHED. THIS 40 FOOT RIGHT OF WAY RUNS ALONG THE WEST END OF THE KELLEY PROPERTY.

PROTEST POINT NUMBER 1: THE PROPOSED SUMP FOR WATER STORAGE CANNOT TRESPASS ON THE FORTY FOOT DRAINAGE DITCH RIGHT OF WAY AND IS THERE A SET BACK PROVISION OR MINIMUM DISTANCE THE SUMP CAN BE LOCATED FROM THE RIGHT OF WAY.

PROTEST POINT NUMBER 2: THE KELLEY'S INTEND TO FLOOD HARVEST 1.9 ACRES OF WETLAND CRANBERRY BOG. FLOODING WETLANDS DRAINED BY A TAX SUPPORTED DRAINAGE SYSTEM IS INCONSISTENT WITH THE INTENT OF THE 1916 SUPERIOR COURT VERDICT.

CRANBERRY HARVESTING OCCURS AT A TIME WHEN THE AREA IS SUBJECT TO MAJOR STORMS THAT FLOOD THE ENTIRE AREA.

THE CUMULATIVE IMPACT OF INTENTIONALLY FLOODING NUMEROUS PARCELS OF LAND WAS NOT INTENDED BY THE DESIGNERS OF THE SYSTEM. WITHIN A ONE MILE AREA KORDELL IS FLOODING OVER 30 ACRES. THE KELLEY'S INTEND TO FLOOD AN ADDITIONAL 1.9 ACRES. IN ADDITION, THE SWAMPAPPLE CORPORATION INTENDS TO FLOOD A 7.2 ACRE PARCEL TO THE EAST OF THE KELLEY PROPERTY AND A 4 ACRE PARCEL TO THE SOUTHEAST.

WHY IS AN ENVIRONMENTAL IMPACT STATEMENT NOT REQUIRED OF THESE PROJECTS.

PROTEST POINT NUMBER 3: TWO OF THE THREE COMMISSIONERS OF THE GRAYLAND WATER DISTRICT ARE CRANBERRY BOG OWNERS. I THINK THIS REPRESENTS A SERIOUS CONFLICT OF INTEREST THAT NEEDS TO BE RESOLVED.

PROTEST POINT NUMBER 4: THE KELLEY HOME IS LOCATED BETWEEN THE CRANBERRY BOG AND THE PROPOSED SUMP. ITS SEPTIC TANK AND DRAINFIELD ARE POTENTIALLY LOCATED WITHIN 100 FEET OF A BODY OF WATER (IE., SUMP OR FLOODED BOG). THIS IS A CLEAR VIOLATION OF STATE AND COUNTY HEALTH DEPARTMENT REGULATIONS. A SEPTIC TANK DRAINFIELD MUST BE A MINIMUM 100 FEET OF SURFACE WATER. I HAVE BEEN TOLD BY CONTRACTORS THIS MAY CHANGE TO 200 FEET.

PROTEST POINT NUMBER 5: THE SOUTH PROPERTY LINE OF THE KELLEY SITE BUTTS UP AGAINST A 20 FOOT COUNTY EASEMENT. THE SUMP MUST NOT TRESPASS ON THIS EASEMENT. ADDITIONALLY, A RESTRICTIVE COVENANT SIGNED BY THE KELLEY'S AND MY MOTHER, BERTHA KANGAS, GOVERN THE USE OF THIS COUNTY EASEMENT. IS THERE A SET BACK PROVISION FROM THIS EASEMENT OR WILL THE SUMP BE BUILT ON THE PROPERTY LINE?

THIS PERMIT SHOULD NOT BE GRANTED UNTIL THESE ISSUES ARE RESOLVED BY THE GRAYS HARBOR PLANNING COMMISSION OR GRAYS HARBOR COUNTY SUPERIOR COURT. THESE ISSUES SHOULD BE RESOLVED BY STATE OR LOCAL GOVERNMENT RATHER THAN A CIVIL SUIT INITIATED BY LOCAL LANDOWNERS.

- ^{MS.} Kangas wants to ensure water flow remains in ditch on North side of her property
"ditch maintenance" ?? Protest filed by son, Paul Kangas
- An Appl. has been filed by Ms. Kangas

ie OR to Acknowledge Protest
"Public Welfare / Interest" ?
5/9/94 VW



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Legal Notices

State of Washington De-
partment of Ecology NO-
TICE OF APPLICATION
TO APPROPRIATE PUB-
LIC WATERS

Take Notice:

That John and Karla Kel-
ley of Grayland, Washing-
ton on August 16, 1993 un-
der Application No. S2-
28902 filed for permit to
appropriate public water,
subject to existing rights,
from Drainage ditch #1 of
Grayland/Sump in the
amount of 0.66 cubic feet
per second as needed year
round each year, for Frost
and Heat protection, flood
harvesting and irrigation
during the irrigation sea-
son. The source of the
proposed appropriation is
located within SW1/4 NE1/4
of Section 7, Township 15
N., Range 11W W.M., in
Grays Harbor County.

Protests or objections to
approval of this applica-
tion must include a de-
tailed statement of the ba-
sis for objections: Protests
must be accompanied by a
two dollar (\$2.00) record-
ing fee (check of money
order only, cash will not
be excepted) and filed
with the Department of
Ecology, at the address
shown below, within thirty
(30) days from: October 2,
1993.

Published September
25, 1993

October 2, 1993

The Daily World #14150

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TO: DEPARTMENT OF ECOLOGY
WATER RESOURCES
P.O. BOX 47775
OLYMPIA, WA. 98504-7775

FROM: PAUL KANGAS
1999 CRANBERRY ROAD
GRAYLAND, WA. 98547

DATE: 10/18/93

RE: PROTEST --- APPLICATION TO APPROPRIATE WATER
JOHN AND KARLA KELLEY OF GRAYLAND, WA. 98547
APPLICATION #52-28902
FILED - 8/16/93
PUBLISHED - 9/25/93 AND 10/2/93 IN ABERDEEN WORLD
SOURCE OF WATER - GRAYLAND DRAINAGE DITCH #1

RECEIVED

'93 OCT 25 A10:39

DEPARTMENT OF ECOLOGY
S W REGIONAL OFFICE

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PAGE 2

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5

DEPARTMENT OF ECOLOGY
FPSS/BASS/FISCAL OFFICE/CASHIERING SECTION

DATE: 10/27/93

CASHIERING RECEIPT
PAGE: 1 OF 1

RECEIVED FROM: PAUL KANGAS

AMOUNT: \$2.00
DATE: 10/28/93
RECEIPT NO: 94-086534
CHECK/MO NO: 7317

PHONE: (206) 459-6207
P.O. BOX 5128
LACEY, WA 98503-5128

PURPOSE: PROTEST FEE

PERMIT NO:
MANIFEST NO:
CASHIER: GRAN461

(For low-level surcharge only.)

NAMES:

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FOR ACCOUNTING PURPOSES:
CJ NO: 461C0353

RECEIPT CODING:

INV/CAT CD	ID/APPL NO	TYPE	AMOUNT	FUND DISTRIBUTION
	S2-28902	GCA	\$2.00	001- -001- - - - - - - - - - -02-85-000010

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

October 19, 1993

John and Karla Kelley
1989 Cranberry Road
Grayland, Washington 98547-9606

Dear Mr. and Mrs. Kelley:

Re: Surface Water Application No. S 2-28902

We acknowledge receipt of your affidavit of publication of notice in connection with the above-numbered application.

The water codes require that no action be taken toward issuance of a permit earlier than thirty (30) days after the last date of publication. This period of time is allowed for filing any protests or objections. In some cases it is also necessary for us to await approval of the Departments of Fisheries and Wildlife before issuing permits.

Sincerely,

A handwritten signature in cursive script that reads "Sheri Fox".

Sheri Fox
Water Resources

SF:th(12B)



Affidavit of Publication

THE DAILY WORLD

State of Washington Department of Ecology NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

Take Notice:

That John and Karla Kelley of Grayland, Washington on August 16, 1993 under Application No. S2-28902 filed for permit to appropriate public water, subject to existing rights, from Drainage ditch #1 of Grayland/Sump in the amount of 0.66 cubic feet per second as needed year round each year, for Frost and Heat protection, flood harvesting and irrigation during the irrigation season. The source of the proposed appropriation is located within SW 1/4 NE 1/4 of Section 7, Township 15 N., Range 11W W.M., in Grays Harbor County. Protests or objections to approval of this application must include a detailed statement of the basis for objections: Protests must be accompanied by a two dollar (\$2.00) recording fee (check of money order only, cash will not be excepted) and filed with the Department of Ecology, at the address shown below, within thirty (30) days from: October 2, 1993.

Published September 25, 1993
October 2, 1993
The Daily World #14150

affidavit OK
10/19/93
56

State of Washington }
County of Grays Harbor } ss.

I, Claudia Bearden

being first duly sworn, depose and say: I am the (Publisher, Business Manager) of THE DAILY WORLD, which is a daily newspaper, published in the English language, in Aberdeen, Grays Harbor County, Washington, and of general circulation in said county and state, and published continually (daily and Sunday) as a daily newspaper in said city at the time of the publications of the hereto attached official document and for more than six months prior to the date of the first publication of said official document, and said newspaper at all said times has been and now is printed entirely in the office of THE DAILY WORLD, maintained at the place of publication, to-wit, in said City of Aberdeen, Washington.

That said newspaper at all times herein stated was, and now is, a legal newspaper as defined in Section 3, Chapter 213, Laws of 1941 of the State of Washington, having been approved as such by order of the Superior Court of Washington for Grays Harbor County.

That the Legal 14150
of which the annexed is a printed copy was published ...2x...
times in said newspaper, on the following dates, to-wit:

September 25, 1993

October 2, 1993

That the full amount of the fee charged for such publication is \$77.98, which fee has been paid in full.

That said newspaper was generally circulated among its regular subscribers during said period.

Claudia Bearden
Subscribed and sworn to before me this 2 day of
October, 1993

Randy J. Burgess
Notary Public for the State of Washington,
Residing at Cosmopolis, Wash.
(Seal)

CHRISTINE C. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

September 15, 1993

John and Karla Kelley
1989 Cranberry Road
Grayland, Washington 98547-9606

Dear Mr. and Mrs. Kelley:

Re: Surface Water Application No. S 2-28902

Your application for the appropriation of water has been assigned the above referenced number. Please refer to this number in future correspondence.

Enclosed is a notice of your application which must be published once a week for two consecutive weeks in a qualified legal newspaper of general circulation in the County or Counties in which the storage, diversion, and use is to be made and in other newspapers as directed. A list of these newspapers in your county is enclosed.

The applicant is responsible for the payment of the publication. Please read the notice carefully to make sure it is correct. Should you find an error, please return the notice to our office for correction.

You should mail or deliver the enclosed notice to a newspaper regarding publication as soon as possible. When you receive the affidavit of publication form the newspaper, please forward it to this office promptly. Further processing of the application will not be made until the affidavit is returned.

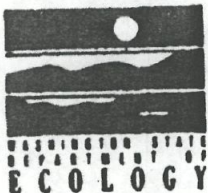
A site investigation will be made by this office before we issue a permit decision. In light of our water right backlog, we estimate it will be about 18 months after receipt of your application before we are able to conduct the site investigation.

Sincerely,

Sheri Fox
Water Resources

SF:th
Enclosures





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That John and Karla Kelley
of Grayland, Washington on August 16, 1993 under
Application No 52-28902 filed for permit to appropriate public waters, subject to existing rights,
from Drainage ditch #1 of Grayland/Sump
in the amount of 0.66 cubic feet per second as needed year round
each year, for Frost and Heat protection, flood harvesting and irrigation during the
irrigation season

The source of the proposed appropriation is located within SW 1/4 NE 1/4

of Section 7, Township 15 N., Range 11W W.M., in Grays Harbor County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections: protests must be accompanied by a two dollar (\$2.00) recording fee (check or money order only, cash will not be excepted) and filed with the Department of Ecology, at the address shown below, within thirty (30) days from:

(Last date of publication to be entered above by publisher)

DEPT OF ECOLOGY
WATER RESOURCES
PO BOX 47775
OLYMPIA WASHINGTON 98504-7775



NOTICE